

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GEARY WILSON,

Plaintiff,

v.

LEIGH LAW GROUP, P.C, (LLG), et al.,

Defendants.

Case No. [20-cv-03045-MMC](#)

**ORDER EXTENDING DEADLINE TO
FILE OPPOSITION TO MOTION
REQUESTING PLAINTIFF BE
DEEMED A VEXATIOUS LITIGANT**

On June 23, 2020, defendant Mount Diablo Unified School District ("Mt. Diablo") filed a "Motion Requesting Plaintiff Be Deemed a Vexatious Litigant." On July 23, 2020, no opposition having been filed, the Court deemed the matter submitted on the moving papers. Later that same date, plaintiff Michael Geary Wilson ("Wilson") filed a request for an extension of the deadline to submit opposition to Mt. Diablo's motion, and the Court, by order filed July 29, 2020, extended said deadline to August 10, 2020. On August 17, 2020, no opposition having been filed, Mt. Diablo filed a Reply, in which it noted Wilson's failure to respond and asked the Court to consider as evidence of vexatiousness various other cases in which Wilson is a party.

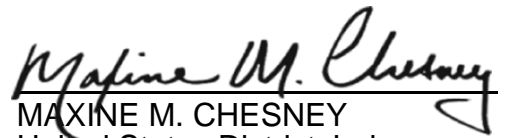
Now before the Court is Wilson's "Second Notice of Opposition to [Mt.] Diablo's Motion Requesting Plaintiff be Deemed a Vexatious Litigant and Ordered to Post Security and Request for Extension of Time to Respond" ("Second Notice"), filed August 17, 2020, whereby Wilson asserts the Court, in light of its dismissal of the above-titled action on July 14, 2020, "lost jurisdiction" to hear Mt. Diablo's motion; in addition, Wilson seeks, if the Court "regains jurisdiction in the future," an extension of twenty-eight days thereafter to respond to said motion. (See Second Notice at 2:20-21.) Having considered Wilson's Second Notice, the Court hereby rules as follows.

At the outset, the Court notes it has not lost jurisdiction to hear Mt. Diablo's motion. See Ringgold-Lockhart v. Cty. of Los Angeles, 761 F.3d 1057, 1062 n.2 (9th Cir. 2014) (rejecting plaintiffs' contention that "filing a notice of appeal divested the district court of jurisdiction to issue the vexatious litigant order"); see also Kallok v. Boardman Local Sch. District Bd. of Educ., 24 F. App'x 496, 498 (6th Cir. 2001) (holding "district court retains jurisdiction to resolve collateral matters . . . even after the underlying action has been appealed"). Further, to the extent Wilson is relying on his "hav[ing] been extremely busy with other tasks, including seven other appeals/petitions" (see Second Notice at 2:12-13), the Court finds such additional legal matters do not relieve him of the obligation to comply with the deadlines set on the instant motion.

Nevertheless, the Court will afford Wilson one further opportunity to oppose said motion and hereby EXTENDS to October 9, 2020 the deadline to file his opposition. In that regard, Wilson is advised that, in addition to the recent rulings and other events called to the Court's attention by Mt. Diablo in its Reply, the Court will be considering the recent dismissals entered in Wilson v. Cty. of Contra Costa, et al., No. 20-cv-4160-WHA (see Order, filed August 20, 2020), and Wilson v. Mt. Diablo, et al., No. 20-cv-3368-MMC (see Order, filed August 25, 2020).

IT IS SO ORDERED.

Dated: September 10, 2020


MAXINE M. CHESNEY
United States District Judge